

106TH CONGRESS  
2D SESSION

# H. R. 4303

To prohibit the use of, and provide for remediation of water contaminated  
by, methyl tertiary butyl ether.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2000

Mr. EWING (for himself, Mr. SHIMKUS, Mr. WELLER, Mr. LAHOOD, Mr.  
McINTOSH, Mr. LIPINSKI, Mr. MANZULLO, and Mr. PHELPS) introduced  
the following bill; which was referred to the Committee on Commerce

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## A BILL

To prohibit the use of, and provide for remediation of water  
contaminated by, methyl tertiary butyl ether.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “MTBE Elimination  
5       Act”.

6       **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

7       (a) FINDINGS.—Congress finds that—

8               (1) a single cup of MTBE, equal to the quan-  
9       tity found in 1 gallon of gasoline oxygenated with

1 MTBE, renders all of the water in a 5,000,000-gal-  
2 lon well undrinkable;

3 (2) the physical properties of MTBE allow  
4 MTBE to pass easily from gasoline to air to water,  
5 or from gasoline directly to water, but MTBE does  
6 not—

7 (A) readily attach to soil particles; or

8 (B) naturally degrade;

9 (3) the development of tumors and nervous sys-  
10 tem disorders in mice and rats has been linked to  
11 exposure to MTBE and tertiary butyl alcohol and  
12 formaldehyde, which are 2 metabolic byproducts of  
13 MTBE;

14 (4) reproductive and developmental studies of  
15 MTBE indicate that exposure of a pregnant female  
16 to MTBE through inhalation can—

17 (A) result in maternal toxicity; and

18 (B) have possible adverse effects on a de-  
19 veloping fetus;

20 (5) the Health Effects Institute reported in  
21 February 1996 that the studies of MTBE support  
22 its classification as a neurotoxicant and suggest that  
23 its primary effect is likely to be in the form of acute  
24 impairment;

1           (6) people with higher levels of MTBE in the  
2           bloodstream are significantly more likely to report  
3           more headaches, eye irritation, nausea, dizziness,  
4           burning of the nose and throat, coughing, disorienta-  
5           tion, and vomiting as compared with those who have  
6           lower levels of MTBE in the bloodstream;

7           (7) available information has shown that  
8           MTBE significantly reduces the efficiency of tech-  
9           nologies used to remediate water contaminated by  
10          petroleum hydrocarbons;

11          (8) the costs of remediation of MTBE water  
12          contamination throughout the United States could  
13          run into the billions of dollars;

14          (9) although several studies are being con-  
15          ducted to assess possible methods to remediate  
16          drinking water contaminated by MTBE, there have  
17          been no engineering solutions to make such remedi-  
18          ation cost-efficient and practicable;

19          (10) the remediation of drinking water contami-  
20          nated by MTBE, involving the stripping of millions  
21          of gallons of contaminated ground water, can cost  
22          millions of dollars per municipality;

23          (11) the average cost of a single industrial  
24          cleanup involving MTBE contamination is approxi-  
25          mately \$150,000;

1           (12) the average cost of a single cleanup involv-  
2           ing MTBE contamination that is conducted by a  
3           small business or a homeowner is approximately  
4           \$37,000;

5           (13) the reformulated gasoline program under  
6           section 211(k) of the Clean Air Act (42 U.S.C.  
7           7545(k)) has resulted in substantial reductions in  
8           the emissions of a number of air pollutants from  
9           motor vehicles, including volatile organic compounds,  
10          carbon monoxide, and mobile-source toxic air pollut-  
11          ants, including benzene;

12          (14) in assessing oxygenate alternatives, the  
13          Blue Ribbon Panel of the Environmental Protection  
14          Agency determined that ethanol, made from domes-  
15          tic grain and potentially from recycled biomass, is an  
16          effective fuel-blending component that—

17                 (A) provides carbon monoxide emission  
18                 benefits and high octane; and

19                 (B) appears to contribute to the reduction  
20                 of the use of aromatics, providing reductions in  
21                 emissions of toxic air pollutants and other air  
22                 quality benefits;

23          (15) the Department of Agriculture concluded  
24          that ethanol production and distribution could be ex-  
25          panded to meet the needs of the reformulated gaso-

1 line program in 4 years, with negligible price im-  
2 pacts and no interruptions in supply; and

3 (16) because the reformulated gasoline program  
4 is a source of clean air benefits, and ethanol is a via-  
5 ble alternative that provides air quality and eco-  
6 nomic benefits, research and development efforts  
7 should be directed to assess infrastructure and meet  
8 other challenges necessary to allow ethanol use to  
9 expand sufficiently to meet the requirements of the  
10 reformulated gasoline program as the use of MTBE  
11 is phased out.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-  
13 gress that the Administrator should provide technical as-  
14 sistance, information, and matching funds to help local  
15 communities—

16 (1) test drinking water supplies; and

17 (2) remediate drinking water contaminated with  
18 methyl tertiary butyl ether.

19 **SEC. 3. DEFINITIONS.**

20 In this Act, the following definitions apply:

21 (1) ADMINISTRATOR.—The term “Adminis-  
22 trator” means the Administrator of the Environ-  
23 mental Protection Agency.

24 (2) ELIGIBLE GRANTEE.—The term “eligible  
25 grantee” means any of the following:

1 (A) A Federal research agency.

2 (B) A national laboratory.

3 (C) A college.

4 (D) A university.

5 (E) A research foundation maintained by a  
6 college or university.

7 (F) A private research organization with  
8 an established and demonstrated capacity to  
9 perform research or technology transfer.

10 (G) A State environmental research facil-  
11 ity.

12 (3) MTBE.—The term “MTBE” means methyl  
13 tertiary butyl ether.

14 **SEC. 4. USE AND LABELING OF MTBE AS A FUEL ADDITIVE.**

15 Section 6 of the Toxic Substances Control Act (15  
16 U.S.C. 2605) is amended by adding at the end the fol-  
17 lowing:

18 “(f) USE OF METHYL TERTIARY BUTYL ETHER.—

19 “(1) PROHIBITION ON USE.—Effective on the  
20 date that is 3 years after the date of enactment of  
21 this subsection, a person shall not use methyl ter-  
22 tiary butyl ether as a fuel additive.

23 “(2) LABELING OF FUEL DISPENSING SYSTEMS  
24 FOR MTBE.—Any person selling oxygenated gasoline  
25 containing methyl tertiary butyl ether at retail shall

1 be required under regulations promulgated by the  
2 Administrator to label the fuel dispensing system  
3 with a notice that—

4 “(A) specifies that the gasoline contains  
5 methyl tertiary butyl ether; and

6 “(B) provides such other information con-  
7 cerning methyl tertiary butyl ether as the Ad-  
8 ministrator determines to be appropriate.

9 “(3) REGULATIONS.—As soon as practicable  
10 after the date of enactment of this subsection, the  
11 Administrator shall establish a schedule that pro-  
12 vides for an annual phased reduction in the quantity  
13 of methyl tertiary butyl ether that may be used as  
14 a fuel additive during the 3-year period beginning on  
15 the date of enactment of this subsection.”.

16 **SEC. 5. GRANTS FOR RESEARCH ON MTBE GROUND WATER**  
17 **CONTAMINATION AND REMEDIATION.**

18 (a) IN GENERAL.—

19 (1) ESTABLISHMENT.—The Administrator shall  
20 establish a MTBE research grants program within  
21 the Environmental Protection Agency.

22 (2) PURPOSE OF GRANTS.—The Administrator  
23 may make a grant under this section to an eligible  
24 grantee to pay the Federal share of the costs of re-  
25 search on—

1 (A) the development of more cost-effective  
2 and accurate MTBE ground water testing  
3 methods;

4 (B) the development of more efficient and  
5 cost-effective remediation procedures for water  
6 sources contaminated with MTBE; or

7 (C) the potential effects of MTBE on  
8 human health.

9 (b) ADMINISTRATION.—

10 (1) IN GENERAL.—In making grants under this  
11 section, the Administrator shall—

12 (A) seek and accept proposals for grants;

13 (B) determine the relevance and merit of  
14 proposals;

15 (C) award grants on the basis of merit,  
16 quality, and relevance to advancing the pur-  
17 poses for which a grant may be awarded under  
18 subsection (a); and

19 (D) give priority to those proposals the ap-  
20 plicants for which demonstrate the availability  
21 of matching funds.

22 (2) COMPETITIVE BASIS.—A grant under this  
23 section shall be awarded on a competitive basis.

24 (3) TERM.—A grant under this section shall  
25 have a term that does not exceed 4 years.



1 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$10,000,000 for each of fiscal years 2001 through 2004.

4 **SEC. 6. REFORMULATED GASOLINE.**

5 (a) CONGRESSIONAL FINDINGS.—The Congress finds  
6 that:

7 (1) Section 211(k) of the Clean Air Act re-  
8 quires the use of reformulated gasoline in the na-  
9 tion's worst ozone nonattainment areas.

10 (2) In order to promote more complete fuel  
11 combustion, the Clean Air Act requires reformulated  
12 gasoline to contain a minimum of 2.0 percent oxy-  
13 gen.

14 (3) The presence of oxygen in a fuel is bene-  
15 ficial in reducing volatile organic compound, carbon  
16 monoxide, toxic air pollutant emissions.

17 (4) The use of ethanol at the typical blending  
18 rate of 10 percent by volume equates to a 3.5 per-  
19 cent oxygen content.

20 (5) This increased oxygen content, while pro-  
21 viding the intended benefits of reducing volatile or-  
22 ganic compound and toxic air pollutant emissions,  
23 results in additional carbon monoxide emission re-  
24 ductions.

1           (6) The National Research Council found that  
2 carbon monoxide in exhaust emissions from motor  
3 vehicles contributes about 20 percent to the overall  
4 ozone forming potential of motor-vehicle emissions.

5           (7) Reducing carbon monoxide emissions will  
6 have a positive impact on ozone air quality.

7           (8) Blending ethanol into an unoxygenated re-  
8 formulated gasoline base will increase the volatility  
9 of the resulting blend.

10          (9) In order to account for this volatility in-  
11 crease, gasoline producers must, at increased ex-  
12 pense, reduce the volatility of the unoxygenated re-  
13 formulated gasoline base.

14          (10) The benefits of reduced carbon monoxide  
15 emissions on ozone air quality have not been fully  
16 considered in the USEPA's reformulated gasoline  
17 compliance methodology, the complex model.

18          (11) Scientific analyses detailing the carbon  
19 monoxide and ozone air quality benefits of reformu-  
20 lated gasoline blends containing 3.5 percent oxygen  
21 have concluded that a minimum of a 0.5 pounds per  
22 square inch Reid vapor pressure allowance is a rea-  
23 sonable gasoline volatility offset for determining the  
24 proper impact of such gasoline,

1       (b) RVP ALLOWANCE.—In order to account for the  
2 positive impact of reduced carbon monoxide emissions on  
3 ozone air quality and because of the positive environ-  
4 mental impact resulting from the use of oxygenates in gas-  
5 oline, the Administrator of the Environmental Protection  
6 Agency is directed to promulgate rules requiring a 0.5  
7 pounds per square inch Reid vapor pressure allowance for  
8 all reformulated gasoline containing 3.5 percent oxygen by  
9 weight.

10       (c) OFFSET.—Notwithstanding any other provision of  
11 law, any additional volatile organic compound emissions  
12 resulting from the use of such reformulated gasoline  
13 should be deemed to be fully offset and thus not calculated  
14 in determining compliance with any of the provisions in  
15 section 182 of the Clean Air Act (42 U.S.C. 7511a), deal-  
16 ing with Reasonable Further Progress plans or dem-  
17 onstrations.

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